

**U.S. District Court**  
**North Carolina Middle District (NCMD)**  
**CRIMINAL DOCKET FOR CASE #: 1:23-mj-00048-LPA-1**  
**Internal Use Only**

Case title: USA v. HOWER

Plea Filings

Other court case number: 5:23cr50014 District of South Dakota

Date Filed: 01/31/2023

Sentencing Filings

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Assigned to: MAG/JUDGE L. PATRICK  
AULD

**Defendant (1)**

**ERIN LYNN HOWER**

represented by **ALEXANDER B. STUBBS**  
WINSTON LAW GROUP  
210 S. CHERRY STREET  
WINSTON-SALEM, NC 27101  
336-529-6035  
Fax: 336-245-4643  
Email: Alexander@WinstonLawGroup.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

Rule 5 Arrest

**Disposition**

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**Plaintiff**

**USA**

represented by **CRAIG M. PRINCIPE**  
U. S. ATTORNEY'S OFFICE  
251 N. MAIN ST., STE. 726  
WINSTON-SALEM, NC 27101


336-747-7519

Email: craig.principe@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: United States Attorney

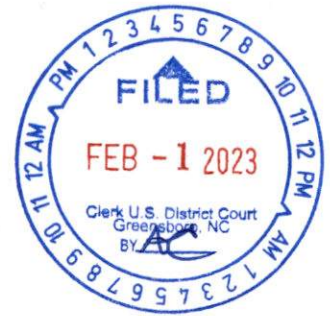
Date Filed	#	Select <u>all</u> / <u>clear</u>	Docket Text
02/01/2023			Arrest (Rule 5) of ERIN LYNN HOWER. (Kemp, Donita) (Entered: 02/01/2023)
02/01/2023			Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD: INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to ERIN LYNN HOWER held on 2/1/2023. Defendant advised of rights and charges. Defendant waived her right to an Identity Hearing. The Government agrees to conditions of release and the defendant is instructed to appear at 1:40 p.m. on 2/24/2023, in the District of South Dakota for further proceedings. Order Setting Conditions of Release forthcoming. (AUSA Craig Principe; Counsel for defendant Alexander Stubbs; Proceedings Recorded) (Kemp, Donita) (Entered: 02/01/2023)
02/01/2023	 <u>1</u>	<input type="checkbox"/>	SEALED FINANCIAL AFFIDAVIT by ERIN LYNN HOWER. (Carter, Alexis) (Entered: 02/02/2023)
02/01/2023	<u>2</u>	<input type="checkbox"/>	ORDER appointing CJA Panel Attorney ALEXANDER B. STUBBS for ERIN LYNN HOWER, signed by MAG/JUDGE L. PATRICK AULD on 2/1/2023. (Carter, Alexis) (Entered: 02/02/2023)
02/01/2023	<u>3</u>	<input type="checkbox"/>	WAIVER of Rule 5(c)(3) Hearing by ERIN LYNN HOWER. (Carter, Alexis) (Entered: 02/02/2023)
02/01/2023	<u>4</u>	<input type="checkbox"/>	<b>ORDER Setting Conditions of Release</b> for ERIN LYNN HOWER. Signed by MAG/JUDGE L. PATRICK AULD on 2/1/2023. (Carter, Alexis) (Entered: 02/02/2023)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA

v.

ERIN LYNN HOWER

)  
)  
)  
)  
)

1:23mj48

**ORDER**

The defendant having demonstrated eligibility for appointment of counsel at government expense, CJA Panel Attorney Alexander B. Stubbs is directed to provide representation in this action.

/s/ L. Patrick Auld  
**L. Patrick Auld**  
**United States Magistrate Judge**

Date: February 1, 2023

UNITED STATES DISTRICT COURT  
for the

Middle District of North Carolina



United States of America )

v. )

Case No. 1:23mj48

ERIN LYNN HOWER )

Charging District's Case No. 5:23cr50014

Defendant )

**WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)**

I understand that I have been charged in another district, the *(name of other court)* District of South Dakota

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: February 1, 2023

Defendant's signature

Signature of defendant's attorney

Alexander B. Stubbs

Printed name of defendant's attorney

## UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

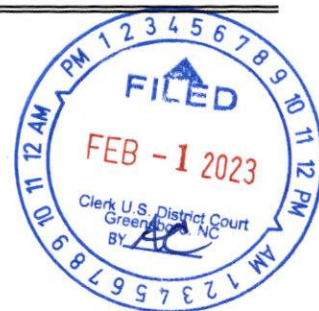
United States of America

v.

ERIN LYNN HOWER

*Defendant*

Case No. 1:23mj48

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: the Andrew W. Bogue Federal Building and United States Courthouse, 515 Ninth Street,  
*Place*  
Rapid City, South Dakota, 57701.

on Friday, February 24, 2023, at 1:40 p.m.  
*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.



**ADDITIONAL CONDITIONS OF RELEASE**

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date

- ☒ (7) The defendant must:

☒ (a) submit to supervision by and report for supervision to the United States Probation Supervising Officer, telephone number \_\_\_\_\_, as directed \_\_\_\_\_.

☐ (b) continue or actively seek employment.

☐ (c) continue or start an education program.

☒ (d) surrender any passport to: the United States Probation Supervising Officer.

☒ (e) not obtain a passport or other international travel document.

☒ (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the Middle District of North Carolina and the District of South Dakota unless prior approval given by the United States Probation Supervising Officer.

☐ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_

☒ (h) get medical or psychiatric treatment: including mental health treatment, as directed by the United States Probation Supervising Officer.

☐ (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

☒ (k) not possess a firearm, destructive device, or other weapon.

☐ (l) not use alcohol ( ☐ ) at all ( ☐ ) excessively.

☒ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

☐ (p) participate in one of the following location restriction programs and comply with its requirements as directed.

☐ (i) **Curfew.** You are restricted to your residence every day ( ☐ ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ☐ ) as directed by the pretrial services office or supervising officer; or

☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities, court appearances, scheduled attorney visits, or other activities specifically approved by the court; or

☐ (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

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**ADDITIONAL CONDITIONS OF RELEASE**

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- ☐ (q) submit to the following location monitoring technology and comply with its requirements as directed:
- ☐ (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
  - ☐ (ii) Voice Recognition; or
  - ☐ (iii) Radio Frequency; or
  - ☐ (iv) GPS.
- ☐ (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- ☒ (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ☐ (t) \_\_\_\_\_
-

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

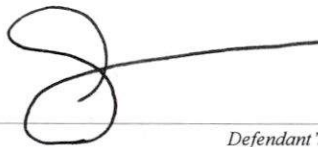
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.


*Defendant's Signature*

Greensboro, NC

*City and State***Directions to the United States Marshal**

- ( ☒ ) The defendant is ORDERED released after processing.  
( ☐ ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 2/1/2023

*Judicial Officer's Signature*

L. Patrick Auld, U.S. Magistrate Judge

*Printed name and title*

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL